

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

6 ORACLE AMERICA, INC.,)
7 Plaintiff,)
8 vs.) No. CV 10-03561 WHA
9 GOOGLE, INC.,)
10 Defendant.)
11 _____)

CONFIDENTIAL TESTIMONY - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF JAMES KEARL

MONDAY, MARCH 26, 2012

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1 which of these it needs, all right? Think of 01:11:34
2 this -- my analogy here, inept may it be, I don't
3 know which of the 100 pages I want to read; I just
4 know I want to read one. Then I'd be willing to
5 pay the subscription price for the right to read 01:11:47
6 whatever page I wanted to read.

7 Q Doesn't the hypothetical negotiation in
8 this case presuppose a negotiation over just the
9 intellectual property in-suit?

10 A I understand that is what the law 01:12:01
11 requires. This opinion simply says that doesn't
12 make a lot of sense to an economist, but -- and
13 Judge Alsup asked for my best economic view, so
14 here it is.

15 Q So I know the answer to this question 01:12:16
16 already, but you've reviewed Judge Alsup's orders in
17 this case?

18 A I have.

19 Q And I'm sure you've read them carefully.

20 A I've read them carefully. 01:12:25

21 Q And you've reviewed the transcript of the
22 various hearings on challenges the damage experts
23 report in this case?

24 A I have.

25 Q Do you perceive any tension between your 01:12:32

1 opinion in Section K of your report and any of 01:12:33

2 Judge Alsup's orders or statements --

3 MR. COOPER: Objection as to form.

4 MR. NORTON: Join.

5 THE WITNESS: I can imagine there will be 01:12:42
6 some tension, yes.

7 BY MR. PURCELL:

8 Q Do you intend to tell the jury that, in
9 your opinion, no apportionment of the 2006 IP bundle
10 is appropriate as a matter of economics?

11 A I expect I'll be permitted to tell the
12 jury what Judge Alsup tells me I can tell the
13 jury, so....

14 Q That's a very diplomatic way of putting
15 it.

16 So moving forward just a little bit to
17 paragraph 118 of your report, there's a section on
18 "Other Copyright Damages," and it starts with a
19 section on "Disgorgement of Infringer's Profits."

20 A Yes.

21 Q Do you see that?

22 And then if you look on the next page,
23 Paragraph 121, you calculate Android's total profits
24 through the end of 2011 as \$3.1 million, correct?

25 A Correct.

1 STATE OF CALIFORNIA)
2) :ss

2 COUNTY OF SAN FRANCISCO)
3
4

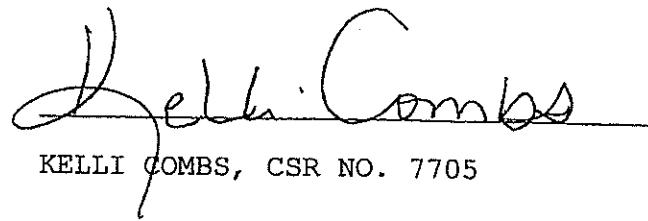
4 I, KELLI COMBS, CSR NO. 7705, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken before me
7 at the time and place herein set forth; that any
8 witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that the verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed my
18 name.
19

20 Dated: March 27, 2012

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22 
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24 KELLI COMBS, CSR NO. 7705
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